

**REMARKS****Status of the Claims**

In the Office Action mailed September 27, 2007, claims 1-32 and 34 are pending. Claims 1-32 and 34 were rejected. The rejection is respectfully traversed. Claims 1, 2, 4-11, 13, 22 and 31-32 have been amended. New claim 35 is hereby submitted. Support for these amendments and the new claim are to be found throughout the specification and in the Figures. No new matter has been added. Reconsideration and withdrawal of the outstanding rejections are respectfully requested in view of the following remarks.

**Claim Rejections 35 U.S.C. §103(a)**

Claims 1-32 and 34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Patent No. 55-136409 to Anakama (hereinafter "Anakama") in view of U.S. Patent No. 5,918,994 to Gueret (hereinafter "Gueret"). This rejection is respectfully traversed.

Initially, Applicants note that Anakama does not teach or suggest, at least, "said twisted-wire core being bent such that substantially all points of said bristle-carrying portion form an angle greater than 0° and less than about 20° relative to said longitudinal axis of said end portion of said rod," as recited in claim 1. Anakama discloses an applicator for applying mascara comprising an applicator brush 3 on an

applicator stick 2, the brush being slightly tilted relative to the stick. Although Anakama does not specifically disclose the angle of the brush with respect to the stick, such angle is shown in Fig. 1. The angle shown in Fig. 1 is on the order of 30°, which is larger than "an angle greater than 0° and less than about 20°," recited in claim 1. Furthermore, Anakama does not disclose or suggest, "a twisted-wire core," as stated in claim 1.

In addition, Anakama does not teach or suggest, "said brush being spaced from said inner wall in said assembled condition," as recited in claim 1. Indeed, Anakama does not show a receptacle nor the relationship of the brush to the receptacle in the assembled condition.

Gueret does not overcome these deficiencies of Anakama, nor is there any suggestion in Anakama to provide the applicator thereof with the brush of Gueret. Further, the Examiner is utilizing hindsight reasoning in combining the features of Anakama with Gueret, which is impermissible. Thus, in addition to lacking all of the elements of the recited claim 1, Anakama also fails to disclose any suggestion or motivation to combine its teachings with those of Gueret.

For the reasons discussed above, neither Anakama nor Gueret, alone or in combination, teach or suggest, "said twisted-wire core being bent such that substantially all points of said bristle-carrying portion form an angle greater than 0°

and less than about 20° relative to said longitudinal axis of said end portion of said rod" or "said brush being spaced from said inner wall in said assembled condition," as recited in claim 1. In view of the foregoing, Applicants submit that claim 1 is in condition for allowance. Claims 2, 3, 5-12, 14-16, 25-27, 29, 31-32, 34, and 35 depend from independent claim 1 and include all of the limitations thereof. For that reason, the dependent claims are also believed to be in condition for allowance, at least by reason of their dependency. Accordingly, withdrawal of the rejection is respectfully requested.

New claim 35 is also distinguishable from Anakama because Anakama discloses a receptacle with an oval-shaped insertion mouth at its opening portion, rather than a "circular cross-section," as claimed. Gueret is silent as to the cross-sectional shape of its wiping constriction.

#### CONCLUSION

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

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Docket No.: LOREAL 3.0-065

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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